

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

\*

**CRIMINAL NO. 2:08-CR-283**

**v.**

\*

**SECTION: "J"**

**ANTONI LABORIEL-MARTINEZ**

\*

**a/k/a Antoni L. Martinez**

**a/k/a Antoni Laboriel**

\*

**a/k/a Derick Antoni Laboriel-Martinez**

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**FACTUAL BASIS**

\_\_\_\_\_Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **ANTONI LABORIEL-MARTINEZ** (hereinafter "**LABORIEL-MARTINEZ**") has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a deported alien in violation of Title 8, United States Code, Section 1326(a).

An Immigration and Customs Enforcement agent would testify that on October 30, 2008, he encountered the defendant, **LABORIEL-MARTINEZ**, during criminal alien program duties at Orleans Parish Prison, located in Orleans Parish in the Eastern District of Louisiana. Upon

determining the defendant was illegally in the country and upon the release from the custody of the State of Louisiana in Orleans Parish Prison, the defendant was detained and arrested by an Immigration and Customs Enforcement agent (the “agent”).

The agent would testify that, upon questioning the defendant under oath after being read his *Miranda* rights in Spanish, the defendant stated that he was a citizen of Honduras and was illegally in this country. The agent confirmed the defendant’s illegal status through the Immigration and Customs Enforcement database.

Documentation from the records of Immigration and Customs Enforcement, including Notices of Removal, complete with the defendant’s fingerprints and signature, and Departure Verification, would demonstrate that the defendant, **LABORIEL-MARTINEZ**, was deported from the United States to Honduras on a prior occasion. On or about April 20, 2006, **LABORIEL-MARTINEZ** was deported from the United States to Honduras. A qualified New Orleans Police Department Latent Fingerprint Examiner would testify that the fingerprints of the defendant in the file with the Departure Verification and the fingerprints of the defendant are the same.

A Certificate of Non-Existence of Record would show that the defendant, **LABORIEL-MARTINEZ** did not receive consent from the United States Attorney General or his designated successor, the Secretary of the Department of Homeland Security, to apply for readmission or

receive permission to reenter the United States since the time of the defendant's previous deportation.

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ROBERT WEIR Special Assistant United States Attorney Mississippi Bar No. 101464	Date
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ANTONI LABORIEL-MARTINEZ Defendant	Date
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SAMUEL SCILLITANI Assistant Federal Public Defender LA Bar Roll No. 21371 Attorney for the Defendant	Date
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